

will be more or less strong in proportion to his being more or less subject to temptation; the comparison between the relation itself and its probability, will be made with greater minuteness, in proportion to the stake in society which is engaged in support of its veracity. The influence of situation is most strong in cases of conflicting testimony; for supposing other circumstances to be equal in every respect, there is no doubt but that a considerable diversity of situation would have considerable influence in directing the balance of credit; and to illustrate the position of an extreme instance, few persons would hesitate in regarding the narrative of a clergyman on the one side, with superior credit, to that of a bailiff's follower on the other.

"The number of witnesses, and their concurrence in support of a given assertion, is also subject of material importance in deciding upon the credit of their testimony, because of the improbability of two witnesses concurring in the same falsehood or mistake of either of them individually; and the improbability increases in proportion with the number. But in the contrasting of contradictory testimony, the mere consideration of number is held subordinate to that of the indications of individual veracity, and the maxim that *ponderantur, non numerantur testes*, is of very frequent practical application. Other circumstances being equal, the preponderance of numbers is certainly entitled to the advantage, and sometimes this preponderance will be sufficiently great to counterbalance an apparent superiority in other circumstances on the opposite side; and although nothing can be more remote from the subject under discussion than the application of the strict rules of mathematical equality or proportion, a fair attention to the principles of those rules is often of considerable importance. The degree of influence or indifference of the respective witnesses to their apparent veracity, their demeanour, their character, their situation, the probability of their relation, are circumstances, all of